

SENATE BILL 109  
EMERGENCY BILL

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B4

2004 Regular Session  
4r1536

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By: **Senator Middleton**

Introduced and read first time: January 21, 2004

Assigned to: Budget and Taxation

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Committee Report: Favorable with amendments

Senate action: Adopted

Read second time: February 10, 2004

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CHAPTER \_\_\_\_\_

1 AN ACT concerning

2 **Charles County - Bel Alton High School Loan of 1996**

3 FOR the purpose of amending Chapter 130 of the Acts of the General Assembly of  
4 1996 to extend the time by which the ~~Bel Alton High School Alumni Restoration~~  
5 ~~Committee~~ Board of Public Works must encumber or expend the loan proceeds  
6 of the Charles County - Bel Alton High School Loan of 1996; and making this  
7 Act an emergency measure.

8 BY repealing and reenacting, with amendments,  
9 Chapter 130 of the Acts of the General Assembly of 1996  
10 Section 1

11 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF  
12 MARYLAND, That the Laws of Maryland read as follows:

13 **Chapter 130 of the Acts of 1996**

14 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF  
15 MARYLAND, That:

16 (1) The Board of Public Works may borrow money and incur indebtedness on  
17 behalf of the State of Maryland through a State loan to be known as the Charles  
18 County - Bel Alton High School Loan of 1996 in a total principal amount equal to the  
19 lesser of (i) \$250,000 or (ii) the amount of the matching fund provided in accordance  
20 with Section 1(5) below. This loan shall be evidenced by the issuance, sale, and  
21 delivery of State general obligation bonds authorized by a resolution of the Board of  
22 Public Works and issued, sold, and delivered in accordance with §§ 8-117 through  
23 8-124 of the State Finance and Procurement Article and Article 31, § 22 of the Code.

1 (2) The bonds to evidence this loan or installments of this loan may be sold as  
2 a single issue or may be consolidated and sold as part of a single issue of bonds under  
3 § 8-122 of the State Finance and Procurement Article.

4 (3) The cash proceeds of the sale of the bonds shall be paid to the Treasurer  
5 and first shall be applied to the payment of the expenses of issuing, selling, and  
6 delivering the bonds, unless funds for this purpose are otherwise provided, and then  
7 shall be credited on the books of the Comptroller and expended, on approval by the  
8 Board of Public Works, for the following public purposes, including any applicable  
9 architects' and engineers' fees: as a grant to Bel Alton High School Alumni Restoration  
10 Committee (known hereafter in this Act as "the grantee"), a public and private  
11 partnership consisting of alumni of the School, officials in the Charles County  
12 government, community organizations and advocates, and members of the private  
13 sector for the repair, renovation, rehabilitation, and capital equipping of the Bel Alton  
14 High School in Charles County, to be used as a multiservice center in which  
15 employment, training, and support services will be offered to the citizens of Charles  
16 County.

17 (4) An annual State tax is imposed on all assessable property in the State in  
18 rate and amount sufficient to pay the principal of and interest on the bonds as and  
19 when due and until paid in full. The principal shall be discharged within 15 years  
20 after the date of issuance of the bonds.

21 (5) Prior to the payment of any funds under the provisions of this Act for the  
22 purposes set forth in Section 1(3) above, the grantee shall provide and expend a  
23 matching fund. No part of the grantee's matching fund may be provided, either  
24 directly or indirectly, from funds of the State, whether appropriated or  
25 unappropriated. No part of the fund may consist of real property or in kind  
26 contributions. The fund may consist of funds expended prior to the effective date of  
27 this Act. In case of any dispute as to the amount of the matching fund or what money  
28 or assets may qualify as matching funds, the Board of Public Works shall determine  
29 the matter and the Board's decision is final. The grantee has until June 1, 1998, to  
30 present evidence satisfactory to the Board of Public Works that a matching fund will  
31 be provided. If satisfactory evidence is presented, the Board shall certify this fact to  
32 the State Treasurer, and the proceeds of the loan shall be expended for the purposes  
33 provided in this Act. Any amount of the loan in excess of the amount of the matching  
34 fund certified by the Board of Public Works shall be canceled and be of no further  
35 effect.

36 (6) (a) Prior to the issuance of the bonds, the grantee shall grant and convey  
37 to the Maryland Historical Trust a perpetual preservation easement to the extent of  
38 its interest:

39 (i) On the land or such portion of the land acceptable to the Trust;  
40 and

41 (ii) On the exterior and interior, where appropriate, of the historic  
42 structures.

1 (b) The easement must be in form and substance acceptable to the Trust  
2 and the extent of the interest to be encumbered must be acceptable to the Trust.

3 (7) ~~THE GRANTEE MUST ENCUMBER OR EXPEND THE LOAN PROCEEDS BY~~  
4 ~~PROCEEDS OF THE LOAN MUST BE EXPENDED OR ENCUMBERED BY THE BOARD OF~~  
5 ~~PUBLIC WORKS FOR THE PURPOSES PROVIDED IN THIS ACT NO LATER THAN JUNE 1,~~  
6 2006.

7 SECTION 2. AND BE IT FURTHER ENACTED, That this Act is an  
8 emergency measure, is necessary for the immediate preservation of the public health  
9 or safety, has been passed by a ye and nay vote supported by three-fifths of all the  
10 members elected to each of the two Houses of the General Assembly, and shall take  
11 effect from the date it is enacted.